

Open Meetings Act

- General Rules (§10-15-1(A)):
 - A representative government is dependent upon an informed electorate
 - All persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them
 - The formulation of public policy or the conduct of business by vote shall not be conducted in closed meetings
 - All meetings of any public body shall be public meetings, all persons shall be permitted to attend and listen, reasonable efforts shall be made to accommodate use of audio and video devices

Open Meetings Act (cont.)

- Applicability (§10-15-1(D)):
 - All meetings by of a quorum of members of any board, commission, administrative adjudicatory body or other policymaking body of a municipality or political subdivision held for the purpose of formulating public policy
 - Any meetings at which the discussion or adoption of any proposed resolution, rule regulation or formal action occurs and at which a majority or quorum of the body is in attendance
 - Any closed meetings, shall be held only after reasonable notice to the public

Open Meetings Act (cont.)

- Meeting Notices (§10-15-1(D) and (F)):
 - Annual determination by the Body of reasonable notice to the public
 - Notice shall include broadcast stations and newspapers that have provided written request for such notice
 - Shall include an agenda containing a list of specific items of business to be discussed or transacted or information on how the public may obtain a copy of such an agenda
 - Agenda shall be available at least 72 hours before meeting (exceptions for emergencies)
- Minutes (§10-15-1(G)):
 - The policymaking body shall keep written minutes of all its meetings including:
 - Date, time and place of meeting
 - Names of members in attendance and absent
 - Substance of the proposals considered and a record of votes
 - Minutes shall be prepared within 10 days, shall be approved at the next meeting with a quorum and are not official until approved by the policymaking body

Open Meetings Act (cont.)

- Exceptions (§10-15-1(E)), with proper notice, the portions of meetings dedicated to the following topics may be conducted in closed session such as:
 - Licenses. Discussion of the issuance, suspension, renewal or revocation of a license, final action in public.
 - Personnel. Discussion of limited personnel matters (hiring, promotion, demotion, dismissal, assignment, resignation, or investigation), final action in public
 - Adjudication. Deliberations in connection with an administrative adjudicatory proceeding
 - Collective Bargaining. Discussion of bargaining strategy preliminary to collective bargaining negotiations
 - Procurement. Certain discussions regarding procurement (sole source over \$2,500 or competitive bids), final action in public
 - Litigation. Attorney-Client privileged discussions regarding threatened or pending litigation
 - Real property and water. Discussion of real property or water right purchase, acquisition or disposal
- Entering closed session: requires a majority vote of a quorum, the subject and authority for closure shall be stated with reasonable specificity in the motion and an individual vote shall be taken in open meeting
 - Scope: Only those subjects announced or voted upon prior to closure may be discussed
- Enforcement and penalties: AG, DA or individual enforcement; penalties include misdemeanor and/or fines, attorneys fees and costs (§10-15-3)